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REMARKS

Claims 35-39 are presently pending and these claims include the claim amendments entered by way of the Examiner's Amendment of December 20, 2004.

Claims 35-39 are rejected, under 35 U.S.C. § 102(e), as being anticipated by Martyka et al. '237. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Upon review of Martyka et al. '237, it is the Applicant's belief and position that the present invention as described in the specification and drawings and presently recited in the claims is completely distinguished over and from the disclosure and teachings of Martyka et al. '237 in a number of fundamental aspects. For example, it is clearly shown in the drawings and described in the specification of the present Application that the fourth shaft 4 of the transmission is not only connectable to a ring gear of the second planetary gear set and to the carrier of the first planetary gear set, but is couplable directly to the transmission housing G through solely the second brake 04. That is, with no other intervening elements forms the connection between the fourth shaft and the transmission housing when the second brake 04 is engaged.

As clearly described in Martyka et al. '237, however, and in basic contrast from the present invention, the generally corresponding element of the Martyka et al. '237 transmission, that is, planet carrier member 56 and interconnecting member 82, are connected to transmission housing 46 through a "one way torque transmitting mechanism 44", which is an element of the type referred to in the present Application as a "freewheel". As is apparent from both the present Application and the teachings of Martyka et al. '237, a "freewheel" or a "one way torque transmitting mechanism" is completely different in structure, operation and function from the second brake 04 of the present invention and, accordingly, results not only in a different structure but different operations.

It must also be noted that the planet carrier member 56 and interconnecting member 82 of Martyka et al. '237 are otherwise connectable to the transmission housing 46 only through

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a combination of a clutch 38 and a brake 42, which is again a completely different structure from the second brake 04 of the present invention, again resulting in completely different functions and operations.

In order to more clearly point out and more explicitly recite this fundamental distinction between the present invention and the teachings of Martyka et al. '237, the Applicant entered the above amendment to claim 35 to that this independent claim now recites

"the fourth shaft (4) being continuously connected to a ring gear of the second planetary gear set (P2) and to the carrier of the first planetary gear set (P1), and being directly couplable to the housing (G) through only the second brake (04)".

It should be noted that this amendment is fully supported by the specification, drawings and claims of the present Application as originally filed, so that the present amendments have not added any new matter and have not altered the subject matter or scope of the claims or of the invention recited in the claims.

It must be noted that claim 35 is the sole independent claim and that claims 36-69 are all directly or indirectly dependent from claim 35 and thereby inherit the above discussed amendment to claim 35 and are thus distinguished over and from the teachings of Martyka et al. '237 for at least the reasons discussed above.

It should also be noted that the Applicant has submitted a corresponding amendment to claim 54 to bring claim 54 into accordance with the amended claim 35.

The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. 102 over Martyka et al. '237, and any potential rejections under 35 U.S.C. 103, and allow claims 35-69 as amended herein.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the

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Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Martyka et al. '237 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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